

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA

vs.

Case No.5:23-cr-188-3

JOHNATHAN WALTERS,

Defendant.

**SENTENCING MEMORANDUM AND
MOTION FOR DOWNWARD VARIANCE**

COMES NOW Defendant Johnathan Walters by his counsel, Edmund J. Rollo, and respectfully submits this *Sentencing Memorandum and Motion for Downward Variance* to assist this Honorable Court in fashioning a sentence that is “sufficient, but not greater than necessary” to comply with the purposes set forth in 18 U.S.C. § 3553(a). For the reasons set forth below, Mr. Walters respectfully requests that this Honorable Court consider a downward variance from the applicable guideline range and impose a sentence that reflects Mr. Walters’ character, cooperation, and sincere remorse.

I. INTRODUCTION

Mr. Walters stands before this Honorable Court not to deny his conduct, but to take full responsibility for it. He acknowledges the seriousness of his actions and expresses deep remorse for his failures in judgment. At the same time, his case presents significant mitigating factors that this Honorable Court should consider in fashioning an appropriate sentence. Chief among these are his high character and clean history prior to this offense, the undue influence of a corrupt institutional culture at the Southern Regional Jail, and his substantial efforts to assist the Government in uncovering and addressing systemic abuses within that facility.

II. PERSONAL BACKGROUND AND CHARACTER

Mr. Walters has always been regarded as a person of high character. Prior to his employment at the Southern Regional Jail, he lived a law-abiding life and was known by family, friends, and colleagues for his integrity, work ethic, and dedication to serving the public. He entered public service as a correctional officer with the goal of contributing positively to his community and maintaining public safety. Unfortunately, the reality he encountered was far different from the ideals he brought into that role.

Mr. Walters has a long history of full-time employment. He first worked at the Southern Regional Jail from December 2018 to July 2022. He then worked at the Greenbrier Sheriff's Department as a home confinement officer until July 2023. Thereafter he returned to the Southern Regional Jail. Prior to all of this Mr. Walters maintained continuous full-time employment.

Mr. Walters has no criminal history, which is consistent with his character outside of the Southern Regional Jail.

Mr. Walters' incarceration has led to a divorce from his wife, Katherine. They were married 10 years ago. Mr. Walters has three children of this marriage: Hannah (age 8), Mackenzie (age 6) and Liam (age 4).

Attached hereto as Exhibit No. 1 are letters of support and reference from the people that know Mr. Walters best.

III. CIRCUMSTANCES OF THE OFFENSE

The Southern Regional Jail, as documented and acknowledged by various authorities, was an environment plagued by systemic abuse and a deeply entrenched culture of cruelty. Mr.

Walters entered this environment as a subordinate officer, surrounded by higher-ranking individuals who modeled and encouraged unlawful conduct. These senior officers, who should have been leaders and protectors of ethical standards, instead created and perpetuated an atmosphere of intimidation, impunity, and abuse.

Mr. Walters, regrettably, succumbed to these pressures. At times, he acted in ways that contradicted his own moral compass – choosing to follow orders or conform rather than resist a powerful and deeply dysfunctional system. He recognizes that this does not excuse his behavior. However, it provides essential context for understanding how a man of otherwise good character found himself complicit in conduct he now deeply regrets.

Mr. Walters fully accepts his wrongful acts and he is very sorry for these wrongful acts.

IV. COOPERATION AND REMORSE

Since being charged, Mr. Walters has taken every available opportunity to make amends. He has cooperated fully with the Government, providing truthful and valuable information to assist in the broader investigation of misconduct at the Southern Regional Jail. His cooperation has helped identify those who were most responsible for creating and enforcing the abusive culture in the facility, including higher-ranking officials who used their authority to normalize cruelty and punish dissent.

Mr. Walters's cooperation was not motivated by self-interest alone. Rather, it was an act of conscience. He wants to be part of the solution, not merely to escape the consequences of his actions. His remorse is sincere, and his willingness to accept this Court's judgment reflects his desire to atone and begin the difficult work of rebuilding his life.

V. APPLICABLE SENTENCING FACTORS UNDER 18 U.S.C. § 3553(a)

The sentencing factors outlined in § 3553(a) support a sentence below the guideline range in this case:

The Nature and Circumstances of the Offense:

Admittedly very serious, Mr. Walters's conduct occurred within a culture of systemic abuse and was significantly influenced by the actions and expectations of higher-ranking officers.

The History and Characteristics of the Defendant:

Mr. Walters has no prior criminal history and has lived a life marked by service, hard work, and integrity prior to this incident.

The Need for the Sentence Imposed:

To reflect the seriousness of the offense and promote respect for the law: Mr. Walters acknowledges the gravity of his actions and has already suffered significant personal and professional consequences.

To afford adequate deterrence:

A sentence that takes into account his cooperation and character can still serve as a deterrent while reinforcing that individuals who step forward and accept responsibility are treated with fairness.

To protect the public:

There is no indication that Mr. Walters poses any future risk to the public.

To provide needed correctional treatment in the most effective manner:

Mr. Walters does not require intensive correctional programming; rather, community-based sanctions would be more appropriate.

VI. CONCLUSION

Mr. Walters made serious mistakes in a broken system. He has taken responsibility for those mistakes and demonstrated genuine efforts to right his wrongs. A sentence below the guideline range would be just, reasonable, and sufficient to meet the goals of sentencing. It would also recognize the critical role Mr. Walters played in holding others accountable and exposing a culture of abuse that should never have been allowed to persist.

WHEREFORE, Mr. Walters respectfully requests that this Honorable Court impose a sentence below the guideline range and allow him to continue his path of redemption as a productive, law-abiding member of society.

JOHNATHAN WALTERS,
Defendant,

BY COUNSEL

/s/ Edmund J. Rollo
Edmund J. Rollo
Attorney At Law
West Virginia Bar No. 6370
44 High Street
Morgantown, West Virginia 26505

CERTIFICATE OF SERVICE

I, Edmund J. Rollo, hereby certify that the foregoing was electronically filed under seal using the Clerk's CM/ECF filing system and emailed to AUSA Christine Siscaretti (christine.siscaretti@usdoj.gov) on July 2, 2025.

JOHNATHAN WALTERS,
Defendant,

BY COUNSEL

/s/ Edmund J. Rollo
Edmund J. Rollo
Attorney At Law
West Virginia Bar No. 6370
44 High Street
Morgantown, West Virginia 26505

EXHIBIT NO. 1

To: whom it may concern

I am the mother of Johnathan Walters. Through his childhood he was a good kid, me and his dad never had any real problems with him, people, neighbors liked him and as a few of our neighbors got older he was always there to lend them a hand. mowing yards weeding things like that by the time he was fifteen he was doing all kinds of odd jobs for people he finished and graduated High School at eighteen he then got hired by Asplundh tree company where he was trained and became a foreman of his own crew he worked several years for them, then went to Townsend tree where he was also a foreman after working there he preceded to work for Mossy Oak tree company where he was once again head foreman and took over the job when the owner could not be there. Johnathan is a very respectful and has a great personality, hes fun to be around when we had cookouts family gathering he was our cook

hes never been in any kind of trash
no drugs or anything. all he ever
wanted to be was a officer, he's proud
and was devoted to his job. He was
also a family man married good
husband with three children Hanna,
Kenzie and Liam he loves his kids
he wants to be able to see them
do loving things with them again.
always providing for them. by the
time he was in his twenties he
owned their first home then moved
to own their second one.

On Dec 11, 2022 me and my late husband
was coming home from Johnathan's house
where his step dad had helped them
fix their electrical work. We never
made it home we were hit head
on Johnathan's stepdad was killed
instantly and I was severely
injured. The guy that hit us
was drunk, I had to have many
surgeries and had to learn to
be walk and all. Johnathan immediatly
stepped in took over all responsibilities
I can't remember a time he hasn't or
wasn't there for me, or any of his
family for that matter. If Johnathan

took any said actions then I feel
he felt justifiable or a need.
as I said he has never been
any kind of trouble his kids need
him as his wife is having a hard
time trying to raise three kids
on her own; If you (persay)
have ever known my son he was
and still is a good man, please
I'm asking you to see the man
he truly is and has always
been. and be lenient.

Thank you
Heather Hamy
681-222-8947
136 School Aly Rd
Meadow Bridge, WY
25976

Jesse & Carole Kincaid

4240 Loops Rd.

Rainelle, WV 25962

November 27, 2024

To Whom It may Concern,

I am writing this letter to provide a character reference for Jonathan Walters. I have had the privilege of knowing him for many years, as I have known him since he was a child. Over the years, I have witnessed his development into the respectable and kind person he is today. As a young boy, Jonathan was always well-behaved and respectful towards adults. He carried himself with good manners and was a pleasure to be around. Even at an early age, his character stood out in the best possible way. During his teen years, Jonathan demonstrated remarkable reliability and a strong sense of responsibility. He was always eager to help me, whether it was on the farm or after a storm when he helped clear fallen trees. His willingness to lend a hand during difficult times spoke volumes about his character and his generosity. As an adult, I have had the joy of attending his children's birthday parties. Jonathan has always been an attentive and devoted father, ensuring his children felt loved and cared for. He is also a dedicated and supportive husband, demonstrating a genuine commitment to his family.

Throughout his life, Jonathan has consistently conducted himself with respect and kindness.

I have never seen him act aggressively toward anyone - be it human or animal. On the contrary, he has always been a calm, cordial, and considerate individual who treats everyone with dignity.

In conclusion, Jonathan is a man of excellent character and integrity. He has always exemplified respect, kindness, and responsibility in all aspects of his life. I have no doubt that he will continue to uphold these values in the future.

Sincerely,

Jesse & Carole Kincaid

Co-owners



I am writing this letter for Johnathan Walters. I am his sister, were two years apart. We grew up close. I watched Johnathan get his first job at eighteen. He didn't have a vehicle at the time so every morning he got up at 4:30 and drove to Beckley with our dad. Johnathan would drop our dad off to work and then drive to his job. He was dedicated to that job and worked hard for it. Johnathan got up everyday and provided for his family and worked hard for everything he had. Johnathan traveled every Saturday to watch to watch my two kids play football for little league. I watched Johnathan buy two Hotdogs for two kids because he thought they were hungry. He would give the shirt off his back to anyone who needed it.

Karla Bryan

Melinda S. Burdette
18027 North State Route 20
Meadow Bridge, WV 25976
December 2, 2024

To Whom It May Concern,

I am writing this letter as a character reference for Jonathon Walters. I have had the pleasure of knowing Jonathon his entire life as a family friend and teacher. During this time, I have seen him grow into a caring and reliable young man.

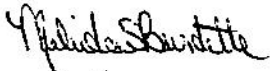
Jonathon has always displayed a level of integrity and responsibility. For example, when his mother was in a car wreck and severely injured he helped take care of her and support her in the loss of her husband. This incident shows his ability to help others when under pressure, solve problems efficiently, and to help others selflessly.

In addition to his personal qualities, Jonathon is committed to his family. His actions reflect his strong values and dedication to being a good father, husband, son, and grandson. Jonathon has worked hard to support and provide for his children. He is a dedicated father.

I can vouch for Jonathon's character, and I firmly believe he knows right and wrong. I am confident that he is remorseful for his actions and would not have acted the way he did if the situation had been different.

Thank you for your time and consideration in this matter. Should you require any additional information or wish to discuss my experiences with Jonathon further, please feel free to contact me at (304)578-4346 or email me at melindaburdette17@gmail.com.

Sincerely,



Melinda S. Burdette

To Whom It May Concern,

I am Johnathon Walters ^{step} Grandfather. I can tell you that Johnathon is the politiest young man I know. He has always showed me nothing but respect. I taught him how to drive and never had any problem at all with that. He has also Respected and loved his grandmother at all times. He truly Loves his 3 children and always showed them more love than most Fathers would. He has never been in any ~~type~~ type of trouble before. He is and has always been Respectful to older people anywhere. I guess I am partial but I Love him as my own son.

Henry L. Morton
Henry L. Morton
P.O. Box 415
Meadow Bridge, W.Va.
25976

304-K84-7432

November 24, 2024

To Whom It May Concern:

I am writing this letter in regard to Jonathan Walters. I have known Jonathan since he was young. I also did evaluation of his portfolios for home school instruction. Jonathan was in no trouble while he was growing up in the Meadow Bridge area. I am a retired High School Principal and have dealt with many young people. Jonathan and his family I have known each other for years..

Hopefully things will work out for all involved and each can move on with their life. Hoping for a good outcome for Jonathan in this situation. Thank you.

Sincerely yours:

Randall Patten

304-575-7051

2263 Patten Rd
MB, WV 25976



Mossy Rock Tree Service

DBA Mossy Rock Construction

171 Mossy Rock Drive

Daniels, WV 25832

304-237-8252

November 25, 2024

To Whom It May Concern:

Please accept this letter as a character reference for Jonathan Walters.

I met Mr. Walters when he came to work for our tree business for several years (2015 – approximately 2019). Through the years, I got to know him. This young man always had a good head on his shoulders and valued his family more than anything. Always putting them first above all.

He was always dependable, responsible and trustworthy. He grew in his position and served as a crew chief in my absence. Customers always complimented Jonathan on his professionalism and attention to detail. I always knew I could count on him. He never lost his composure or temper even with the most difficult customers or any employee under his supervision.

Through the years Jonathan became more than an employee but was like a son to me.

In this day and time people of Jonathan's age that are like him are far and few between. Most of the youth now have no respect

Should you need additional information, feel free to contact me at the number listed above.

Sincerely,

A black and white photograph of a handwritten signature in dark ink on a textured, possibly paper, background. The signature is cursive and appears to read 'R. Walters'.

To Whom it may Concern

I David Kincaid have Known
Jonathan Walters all his life, I have never
Known of him having any problems
with anyone, he's always been a very
helpful young man to anyone that needed
it polite, courteous + kind to all.

David Kincaid

+

Sue Kincaid

To whom it may concern Nov 27

Jonathan walters

He is a good man
Great family man
I've Knew him forever
He is a great father
I don't think he has a
mean bone in him
I hope he gets out to
be with his family

Regina Parker

I have known Johnathan Walters for many years and can safely say he's a man of great character and convictions, he is a man of faith and a man that loves his family fully.

WHEN I first met him when he was a kid he was a bit shy but quickly became someone you could see was a good person, in life all we are granted are the opportunities to showcase our character and our integrity, and Johnathan has been a person I and others are glad and proud to call friend...

Steve Reichard

[Steve Reichard]

To Whom it may concern,

I have known him and his family all my life, Johnathan has always showed to be a good man and always a great father, and seen to his wife and kids above everything. He has always worked hard and was proud of his job and service.

Dale Record

TO Whom it may concern:

I am Johnathon W. Walters Grandmother
Delsie D. Morton, I just wanted
to tell you a little bit about
Johnathon as a person of interest
not a Grandmother. I know
Johnathon was a fine little bit
young man a happy young man
and was a hard worker, when
he was small he would catch
people's dogs take them back to
their owners because they weren't
able to get them, he even took
a ladies pig home to her. He
was always helping someone, he
started working at Tree John at
18 yrs old he was a farmer on
there, other were picking at
people stealing breaking in
homes. he never did anything
like that, he has always been
a proud man, he helped his
mom when her and his step dad
was coming home from Orient Hill
where they had been helping

Johnathan do some wiring
in her new home. They
were hit head-on killing his
step dad and crippling his Mom
he built her a wheel chair
ramp helped her anyway he could.
He took care of her animals,
and worked this job all at the
same time, he is always
dependable

He has 3 kids that need him
so bad Hanna 8
 McKenzie 6
 Liam 4

and 2 nephews Jordan 11
 Michael 8

They are Football players
Baseball players
Basketball players

They need him he helped
them with ball and everything

so please be leaver
with Jonathan Walter
bring him home to us please

Thank you
Delsia Morton
Theodore Bridge
We Q5976

November 27-2024

To Whom it may concern:

I'm writing in concern of a man we consider a good friend. He has good character as he bought a home from us on the payment plan. He was on time with his payments. If he was going to be late with one he contacted us and we received it on the date promised.

He took care of our family cemetery and once again showed his faithfulness and desire to please.

We have had him in our home many times and have witnessed what a wonderful father he is to his children.

We have grown to know and love Jonathan over the past ten years.

Sincerely

Margaret and Alvin Harrah
171 Wunford Lane
Rainelle, W.V. 25962